

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALVIN HATTEN,

Defendant.

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8:10-cr-00271-LSC-TDT

ORDER

This matter is before the court on the parties' Joint Motion to Continue Trial (#26) due to the scheduling conflicts of counsel and essential witnesses.

IT IS ORDERED that the motion to continue trial is granted, as follows:

1. The jury trial now set for November 16, 2010 is continued to **December 14, 2010**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 16, 2010 and December 14, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. A continuance is necessary to preserve for the government orderly presentation of evidence by necessary witnesses. See 18 U.S.C. § 3161(h)(3)(A)(iv). Failure to grant a continuance would also deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED October 26, 2010.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge